

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, number, and address): TIMOTHY G. TIETJEN, SB 104975 ROUDA, FEDER, TIETJEN & ZANOBINI 44 MONTGOMERY STREET, SUITE 4000 SAN FRANCISCO, CA 94104 TELEPHONE NO: 415/398-5398 FAX NO. (Optional): 415/398-8169 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFFS		FOR COURT USE ONLY 982.1(1) San Francisco County Superior Court JUN 8 8 2004 GORDON PARK-LI, Clerk CRISTINA E. BAUTISTA Deputy Clerk CASE NUMBER: 04 452476
NAME OF COURT: SAN FRANCISCO COUNTY SUPERIOR COURT STREET ADDRESS: 400 MCALLISTER STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO, CA 94104 BRANCH NAME:		
PLAINTIFF: SIFA TUIAKI AND LUPE TUIAKI DEFENDANT: ADELPHIA COMMUNICATIONS CORPORATION and CENTURY MENDOCINO CABLE TELEVISION, INC., dba ADELPHIA CABLE COMMUNICATIONS <input checked="" type="checkbox"/> DOES 1 TO 25		
COMPLAINT — Personal Injury, Property Damage, Wrongful Death, or Management Conference Set <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): JURISDICTION (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. PLAINTIFF (name): SIFA TUIAKI AND LUPE TUIAKI

alleges causes of action against DEFENDANT (name): See Attachment 2

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Complaint — Attachment 3.

EXHIBIT A

SHORT TITLE: TUIAKI v. ADELPHIA COMMUNICATIONS CORPORATION, et al.

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Adelphia Communications Corporation

(1) ☐ a business organization, form unknown

(2) ☒ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

c. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

b. ☒ except defendant (name): Century Mendocino Cable Television Inc., dba Adelphia Cable Communications

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

d. ☐ except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Complaint — Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.

b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.

d. ☐ other (specify):

9. ☒ Plaintiff is required to comply with a claims statute, and

a. ☒ plaintiff has complied with applicable claims statutes, or

b. ☐ plaintiff is excused from complying because (specify): Plaintiff's counsel has obtained an order modifying a bankruptcy stay as to defendants to file the present action. A copy of this order is attached.

SHORT TITLE: TUIAKI v. ADELIA COMMUNICATIONS CORPORATION, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*): Loss of consortium as to Lupe Tuiaki, emotional distress, prejudgment interest, costs and such other relief as awarded by the court.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Complaint — Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

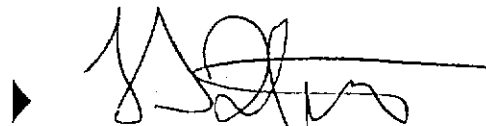
14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages
- b. The amount of damages is (*you must check (1) in cases for personal injury or wrongful death*):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: June 22, 2004

Tim Tietjen
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: TUIAKI, et al. v. ADELPHIA COMMUNICATIONS
- CORPORATION, et al.

J.E. NUMBER:

ATTACHMENT (Number): 2Page 4 of 6

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

1
2 1. Plaintiffs Sifa Tuiaki and Lupe Tuiaki allege causes of action
3 against Defendant: Adelphia Communications Corporation and Century Mendocino
4 Cable Television Inc., dba Adelphia Cable Communications.
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27 (If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under
penalty of perjury.)

SHORT TITLE:
TUIAKI v. ADELPHIA COMMUNICATIONS CORPORATION, et al.

CASE NUMBER:

FIRST

CAUSE OF ACTION - General Negligence

Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): SIFA TUIAKI AND LUPE TUIAKI

alleges that defendant (name): ADELPHIA COMMUNICATIONS CORPORATION and CENTURY MENDOCINO CABLE TELEVISION, INC., dba ADELPHIA CABLE COMMUNICATIONS

☒ Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): May 1, 2002

at (place): Highway 1, in Cleone, Mendocino County

(description of reasons for liability):

1. On the above date, plaintiff Sifa Tuiaki was working for S.G. Barber Construction, Inc. installing fiber optic cable on a project in Mendocino county. In the process of performing this work, plaintiff and/or his equipment came in contact with a 12,000 volt electrical line. As a result of plaintiff's contact with the high voltage lines, plaintiff suffered catastrophic electrical burn injuries which resulted in the amputation of both arms, severe burn injuries about his body, and paraplegia.

2. Plaintiffs are informed and believe, and thereon allege, that defendant Adelphia Communications Corporation and Century Mendocino Cable Television, Inc., dba Adelphia Cable Communications, and Does 1 through 25 negligently supervised, planned, managed, controlled, coordinated and directed the work being performed on this project by Pauley Construction, Inc., plaintiff's employer, S.G. Barber, and plaintiff, and Does 1 through 10. In particular, defendants negligently retained control over the safety precautions to be implemented to protect plaintiff and other workers from being injured on this project; and negligently failed to trim or remove trees that created an obstacle to plaintiff's work, the failure of which caused this accident. Further, defendants failed to warn plaintiff and his coworkers of the work hazards associated with the installation of fiber optic cable in close proximity to trees and high voltage electrical lines.

3. As a proximate cause of defendant's negligence, plaintiff suffered the severe injuries and damages described above.

PETITIONER/PLAINTIFF: SIFA TUIAKI AND LUPE TUIAKI RESPONDENT/DEFENDANT: ADELPHIA TELECOMMUNICATIONS, INC.	CASE NUMBER:
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Attachment to Complaint
Continued

Page 6

SECOND CAUSE OF ACTION
(Loss of Consortium)

1. Plaintiffs reallege and incorporate herein each and every allegation set forth above.

2. At all times relevant, plaintiff Lupe Tuiaki was and is the lawful spouse of plaintiff Sifa Tuiaki.

3. As a result of the conduct of defendants described above, plaintiff Sifa Tuiaki sustained injuries which would foreseeably endanger or destroy plaintiff Lupe Tuiaki's beneficial enjoyment of her marital relationship and consortium with plaintiff Sifa Tuiaki.

4. As a direct and proximate result of the negligent conduct of defendants, and each of them, plaintiff Lupe Tuiaki has been deprived of the love, companionship, affection, society, sexual relations, and solace of plaintiff Sifa Tuiaki and has suffered damages thereby.